

TOWN OF BUCKEYE
REGULAR COUNCIL MEETING

DECEMBER 7, 2004

AGENDA

Town Council Chambers
100 N. Apache Road
Buckeye, AZ 85326
7:00 p.m.

Accessibility for all persons with disabilities will be provided upon request. Please telephone your accommodation request (623 386-4691) 72 hours in advance if you need a sign language interpreter or alternate materials for a visual or hearing impairment. (TDD 623 386-4421)

Members of the Town Council will either attend in person or by telephone conference call or video presentation. Items listed may be considered by Council in any order.

1. Call to Order/Roll Call/Pledge of Allegiance.

Council Action: None.

2. Comments from the Public – Member of the audience may comment on any item of interest.

Council Action: None. Open Meeting Law does not permit Council discussion of items not specifically on the agenda.

Approval of items on the Consent Agenda - All items with an (*) are considered to be routine matters and will be enacted by one motion and vote of the Town Council. There will be no separate discussion of these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

CONSENT AGENDA

***3. Council to consider approval of the minutes of the November 16, 2004 regular meeting and the November 17, 2004 Town Hall meeting.**

***4. Council to consider invoices due by the Town for payment. Copies of invoices are available at Town Hall.**

5. New Business

***5A. Council to consider and possibly approve Conveyance and Acceptance Agreements, and Service Agreements, and related documents, for the following list of public infrastructure related to the Sundance Community Facilities District:**

A. Water Distribution Line (Phase 1C) and Related Appurtenances, Assessment District No. 1.

B. Well #3 and Related Appurtenances, Assessment District No. 1.

C. Landscaping (Phase 1B) and Related Appurtenances, Assessment District No. 1.

D. Water Distribution Line (Phase 2B-1) and Related Appurtenances, Assessment District No. 2.

E. Water Distribution Line (Phase 2B-2) and Related Appurtenances, Assessment District No. 2.

F. Water Distribution Line (Phase 1D) and Related Appurtenances, Assessment District No. 2.

- G. Sewer Distribution Line (Phase 2B-1) and Related Appurtenances, Assessment District No. 2.**
- H. Sewer Distribution Line (Phase 2B-2) and Related Appurtenances, Assessment District No. 2.**
- I. Sewer Distribution Line (Phase 1D) and Related Appurtenances, Assessment District No. 2.**
- J. Landscaping (Phase 2B) and Related Appurtenances, Assessment District No. 2.**
- K. Well #4 and Related Appurtenances, Assessment District No. 2.**
- L. Sanitary Sewer (Durango: Watson Rd to Rainbow Rd) and Related Appurtenances, Assessment District No. 3.**
- M. Water Distribution Line (Watson: Yuma Rd to Durango Rd; Durango: Watson Rd to Rainbow Rd) and Related Appurtenances, Assessment District No. 3.**
- N. Minor Arterial Rd (Watson Rd) and Related Appurtenances, Sundance CFD, GO No. 1.**
- O. Interchange I-10 at Watson Road Public Improvements and Related Appurtenances, Sundance CFD, GO No. 1.**
- P. Collector Road (Phase 1B-SDA to P13), and Related Appurtenances, Assessment District #1.**
- Q. Minor Arterial Road (Phase 1B - Achen Gardner) and Related Appurtenances, Assessment District #1.**
- R. Collector Road (Phase 1B - Achen Gardner) and Related Appurtenances, Assessment Districts #1 and #2.**
- S. Collector Road (Phase 2B) and Related Appurtenances, Assessment District #2.**
- *5B. Council to consider and if advisable approve a Sundance Development Infrastructure Completion Assurance Payment Agreement.**
- *5C. Council to consider and if advisable adopt Resolution 60-04 approving the Final Plat of a subdivision to be known as "Verrado Parcel 4.801" located within Planning Unit IV of the Verrado Master Planned Community in a portion of Section 30, Township 2, North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, AZ. The site consists of 107 residential lots and 22 tracts on approximately 27.51 acres and is being requested by Biskind, Hunt & Taylor P.L.C. on behalf of Fidelity National Title Insurance Co., as Trustee of its Trust, as Owner and on behalf of DMB White Tank LLC. DMB FP04-477**
- *5D. Council to consider and if advisable adopt Resolution 61-04 approving the Final Plat of a subdivision to be known as "Verrado Parcel 4.901" located within Planning Unit IV in the eastern portion of Phase 1B south of the Verrado Master Planned Community in a portion of Section 30, Township 2 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. The site consists of 55 residential lots and 5 tracts on approximately 19.98 acres and is being requested by Biskind, Hunt & Taylor P.L.C. on behalf of Fidelity National Title Insurance Co., as Trustee of its Trust, as Owner and on behalf of DMB White Tank LLC. DMB FP04-383**
- *5E. Council to consider and if advisable, adopt Resolution 62-04 approving the Final Plat of a subdivision to be known as "Verrado Parcel 4.902" located within Planning Unit IV in the eastern portion of Phase 1B south of the Verrado Master Planned Community in a portion of Section 30, Township 2 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. The site consists of 52 residential lots and 10 tracts on approximately 22.61 acres and is**

being requested by Biskind, Hunt & Taylor P.L.C. on behalf of Fidelity National Title Insurance Co., as Trustee of its Trust, as Owner and on behalf of DMB White Tank LLC. DMB FP04-384

***5F. Council to consider and if advisable, adopt Resolution 63-04 approving the Final Plat of a subdivision to be known as “Verrado Parcel 4.903” located within Planning Unit IV in the eastern portion of Phase 1B south of the Verrado Master Planned Community in a portion of Section 30, Township 2 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. The site consists of 61 residential lots and 6 tracts on approximately 14.70 acres and is being requested by Biskind, Hunt & Taylor P.L.C. on behalf of Fidelity National Title Insurance Co., as Trustee of its Trust, as Owner and on behalf of DMB White Tank LLC. DMB FP04-385**

***5G. Council to consider and if advisable, adopt Resolution 64-04 approving the Final Plat of a subdivision to be known as “Verrado Parcel 4.904” located within Planning Unit IV in the eastern portion of Phase 1B south of the Verrado Master Planned Community in a portion of Section 30, Township 2 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. The site consists of 45 residential lots and 3 tracts on approximately 11.85 acres and is being requested by Biskind, Hunt & Taylor P.L.C. on behalf of Fidelity National Title Insurance Co., as Trustee of its Trust, as Owner and on behalf of DMB White Tank LLC. DMB FP04-386**

***5H. Council to consider and if advisable, adopt Resolution 65-04 approving the Final Plat of a subdivision to be known as “Verrado Parcel 4.905” located within Planning Unit IV in the eastern portion of Phase 1B south of the Verrado Master Planned Community in a portion of Section 30, Township 2 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. The site consists of 34 residential lots and 4 tracts on approximately 9.58 acres and is being requested by Biskind, Hunt & Taylor P.L.C. on behalf of Fidelity National Title Insurance Co., as Trustee of its Trust, as Owner and on behalf of DMB White Tank LLC. DMB FP04-387**

***5I. Council to consider and if advisable adopt Resolution 66-04 approving the Final Plat of a subdivision to be known as “JRM NWC” (Final Plat of Champion Partners Commercial Plat) as located northwest from the intersection of Jackrabbit Trail and McDowell Road and as also located within the southeast quarter of the southeast quarter of Section 32, Township 2 North, Range 2, West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. This site consists of approximately 29.4 acres and is being requested by Randy Heller and Ricky Lyons of JRM-NWC Limited Partnership, L.L.L.P. and Champion Partners Acquisition, L.L.C. CHAMPION FP04-416**

***5J. Council to consider and if advisable adopt Resolution 67-04 approving the Map of Dedication to be known as “Verrado Phase 1B South” located east of Verrado Way within the Verrado Master Planned Community in portions of Section 30 and 31, Township 2 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. Request by Biskind, Hunt and Taylor for DMB. DMB MOD04-323**

***5K. Council to consider and if advisable, adopt Resolution 68-04 approving the Final Plat of a subdivision to be known as “Sundance Parcel 46A and 46B” located in the Master Planned Community of Sundance and also located in the northwest quarter of Section 13, Township 1 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. The site consists of 254 lots on 56.69 net acres and is being requested by RBF Consulting on behalf of Dietz Crane. SUNDANCE FP04-172**

***5L. Council to consider and if advisable, adopt Resolution 69-04 approving the Final Plat of a subdivision to be known as “Miller Manor, Phases 1, 2, and 3” located northeast from the intersection of Miller Road and Southern Avenue and also located generally within Section 29, Township 1 South, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. The site consists of three final plat phases identified as Phases 1, 2, and 3. Phase 1 consists of 108 lots on 24.03 net acres; Phase 2 consists of 58 lots on 16.57 net acres; and Phase 3 consists of 106 lots on 22.64 net acres, for a total of 272 lots on 63.24 acres with a net density of 4.3 dwelling**

units per acre and is being requested by Mansard Consulting on behalf of Southwestern Investment Group O.K. SOUTHWESTERN INVESTMENT GROUP FP01-65

***5M. Council to consider and if advisable adopt Resolution 70-04 approving the right-of-way abandonment of portions of Durango Street, in proximity to Sundance Parcels 32, 33, & 35, in portions of Section 15, Township 1 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. Request by RBF Consulting on behalf of Buckeye Land Management. SUNDANCE AB04-483**

***5N. Council to consider approving Dennis Zwagerman, ACIP as Community Development Director for a period of up to six months at the rate of \$50.00 per hour with a project service of 24 hours per week to provide the Town an opportunity to advertise and select a new Community Development Director.**

***5O. Council to consider approval to purchase Skate Park components from Skate Wave in the amount of \$25,000 to be funded from the APS Mitigation Funds set aside for the Town.**

***5P. Council to consider and if advisable, adopt Resolution 71-04 approving the application for State Lake Improvement Funds for property acquisition, design and construction (Phase 1) for the proposed Buckeye Town Lake.**

***5NN. Council to consider and possibly approve acceptance of Conveyance of Segment by DMB White Tank, L.L.C. of public infrastructure to the Town; such infrastructure being the subject of that certain Development, Financing Participation and Intergovernmental Agreement No. 1, dated as June 19, 2001, and as described in that certain Feasibility Study, dated June 21, 2002, as amended and restated as of July 2004, for reimbursement from Verrado Western Overlay Community Facilities District General Obligation Bond Proceeds.**

*Council Action: Discussion and possible motion to approve consent agenda items *3, *4, *5A, *5B, *5C, *5D, *5E, *5F, *5G, *5H, *5I, *5J, *5K, *5L, *5M, *5N, *5O, *5P and *5NN..*

NON CONSENT AGENDA ITEMS

5Q. Public Hearing – A Public Hearing will be conducted to hear citizen input on a proposed license for a cable television system for the Town. Request by Quest Broadband Services, Inc.

Council Action: None.

5R. Council to consider and if advisable approve the Cable Television License Agreement with Quest Broadband Services, Inc.

Council Action: Discussion and possible motion.

5S. Public Hearing – A Public Hearing will be conducted to hear citizen input on a proposed Major General Plan Amendment to the Buckeye General Development Plan Land Use District Map and designating approximately 305 acres generally located east of Miller Road between McDowell Road and Yuma Road as Planned Residential currently under the Rural Residential designation. Request by John Garretson. GARRETSON MGPA04-242

Council Action: None.

5T. Public Hearing – A Public Hearing will be conducted to hear citizen input on a proposed Major General Plan Amendment to the Buckeye General Development Plan Land Use District Map and designating approximately 194 acres generally located south of Beloit Road and east of Rooks Road to Planned Residential (approximately 159 acres) and Commercial Center (approximately 35 acres) currently under the Rural Residential designation. Request by Roy Bennett and Kyle Hindman. HINDMAN MGPA04-275

Council Action: None.

5U. Public Hearing – A Public Hearing will be conducted to hear citizen input on a proposed Major General Plan Amendment to the Town of Buckeye General Development Plan Land Use District Map and designating approximately 135 acres generally located north and east of the intersection of Rooks Road and Broadway Road as Planned Residential currently under the Rural Residential designation. Request by Sunwest Valley Developers. SUNWEST VALLEY DEVELOPERS MGP04-304

Council Action: None.

5V. Public Hearing – A Public Hearing will be conducted to hear citizen input on a proposed Major General Plan Amendment to the Town of Buckeye General Development Plan Land Use District Map and designating approximately 355 acres generally located in two locations, one location generally being southwest of Interstate 10 and Johnson Road and the other in general proximity to the intersection of Broadway Road and Johnson Road with both areas also generally being located in portions of Sections 12, 13, 23, 24, and 25, Township 1 North, Range 5 West of the Gila and Salt River Base and Meridian, Maricopa County, AZ as Planned Community currently under the Rural Resident designation. Request by Penny Newton of CMX on behalf of Cipriani L.L.C. CIPRIANI MGP04-250

Council Action: None

5W. Public Hearing – A Public Hearing will be conducted to hear citizen input on the proposed annexation of approximately 447 acres generally located in two locations, one location generally being southwest of Interstate 10 and Johnson Road and the other in general proximity to the intersection of Broadway Road and Johnson Road with both areas also generally being located in portions of Sections 12, 13, 23, 24, and 25, Township 1 North, Range 5 West of the Gila and Salt River Base and Meridian, Maricopa County, AZ Request by Penny Newton of CMX on behalf of Cipriani, L.L.C. CIPRIANI A04-13

Council Action: None.

5X. Public Hearing – A Public Hearing will be conducted to hear citizen input on a proposed General Plan Amendment to the Town of Buckeye Development Code and Land Use District Map and designating approximately 110 acres generally located northeast from the intersection of Rooks Road and Southern Avenue and also generally located in the southwest quarter of Section 30, Township 1 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, AZ as Planned Residential currently under the Planned Community designation. Request by Trimark Development in conjunction with Southern & Rooks Property, L.L.C. TRIMARK GPA04-288

Council Action: None.

5Y. Public Hearing – A Public Hearing will be conducted to hear citizen input on a proposed General Plan Amendment to the Town of Buckeye Development Code and Land Use District Map and designating approximately 706 acres generally located south of Lower Buckeye Road, west of Watson Road, north of the Roosevelt Irrigation Canal, and east and west of Miller Road and generally as located in the north half of Section 20 and 21, a portion of the southern half of Section 16, and a portion of the northeast one quarter of Section 19, Township 1 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, AZ as Planned Community currently under the Planned Residential designation. Request by Steve Kellogg of Coe & Van Loo, on behalf of Marven Investments L.L.L.P. and Shea Homes Limited. YOUNGKERS/SHEA GPA04-290

Council Action: None.

5Z. Public Hearing – A Public Hearing will be conducted to hear citizen input from all interested persons on potential Community Development Block Grant projects for Program Year XXVIII.

Council Action: None.

5AA. Council to consider and if advisable adopt Resolution 72-04 authorizing the Town to submit an application to the Maricopa County Development Department for Community Development Block

Grant Funds for Program Year XXVIII and authorizing the CDAC representative and Town Manager to sign all necessary documents.

Council Action: Discussion and possible motion.

5BB. Council to consider and if advisable adopt Ordinance 67-04 increasing the corporate limits of the Town of Buckeye for the annexation of approximately 1,600 acres generally located in the east half of Section 12, and all of Sections 13 and 14, Township 3 North, Range 5 West of the Gila and Salt River Base and Meridian or generally located west of the Sun Valley Parkway between the road alignments of Greenway Road and Peoria Avenue and read by title only. Request by Paul Gilbert on behalf of Trillium L.L.C. TRILLIUM RZ04-345

Council Action: Discussion and possible motion

5CC. Council to consider and if advisable adopt Ordinance 68-04 rezoning approximately 1,600 acres generally located in the east half of Section 12, and all of Sections 13 and 14, Township 3 North, Range 5 West of the Gila and Salt River Base and Meridian or generally located west of the Sun Valley Parkway between the road alignments of Greenway Road and Peoria Avenue from Rural Residential Land Use District to Planned Community Land Use District and read by title. Request by Paul Gilbert on behalf of Trillium L.L.C. TRILLIUM RZ04-345

Council Action: Discussion and possible motion

5DD. Council to consider and if advisable adopt Ordinance 69-04 approving both a Development Agreement and the Community Master Plan for the development of Westwind, a Master Plan Community by Cavalier Properties L.L.C. on approximately 807 acres of land located in portions of Sections 15, 16, 21, and 22 of Township 1 North, Range 2 West of the Gila and Salt River Base and Meridian, Arizona, and authorizing and directing the Mayor to sign the Development Agreement on behalf of the Town and read by title only. This site consists of 807 acres with 3,000 dwelling units with a gross density of 4.12 dwelling units per acre and is being requested by Steve Hohulin of RBF Consulting on behalf of Bob Wagoner of Cavalier Properties, L.L.C. WESTWIND CMP03-110

Council Action: Discussion and possible motion

5EE. Council to consider and if advisable adopt Ordinance 70-04 approving both a Development Agreement and the Community Master Plan for the Development of Spurlock Ranch, a Master Plan Community by Spurlock Land L.L.C. on approximately 2,840 acres of land located in portions of Sections 10, 11, 12, 14, and 15 of Township 4 North, Range 4 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; authorizing and directing the Mayor to sign the Development Agreement on behalf of the Town, and read by title only. This site consists of 2,840 acres with 7,329 dwelling units and is being requested by David Burrows of CMX on behalf of Spurlock Land L.L.C. SPURLOCK RANCH CMP03-111

Council Action: Discussion and possible motion

5FF. Council to consider and if advisable adopt Ordinance 71-04 amending the Land Use District Map of the Town of Buckeye in that area located generally two miles northeast from the intersection of Woods Road and SR 85 (also generally located 2 miles southeast from the intersection of Patterson Road and SR 85) or generally located in a portion of Section 23, Township 3 South, Range 4 West of the Gila & Salt River Base & Meridian, Maricopa County, Arizona, from PR, Planned Residential to GC, General Commerce, and read by title only. Request by Pruskowski Development in association with Camco, L.L.C. and Cameron Construction. BUCKEYE MOTORPLEX RZ04-211

Council Action: Discussion and possible motion

5GG. Council to consider and if advisable adopt Resolution 73-04 declaring the amendment to the Town Code, Article 8, to include Section 8-7 Sexually Oriented Businesses, as a public record, three copies of which are on file in the Town Clerk's office.

Council Action: Discussion and possible motion

5HH. Council to consider and if advisable adopt Ordinance 72-04 amending the Town Code, Article

8 Business Regulations to include Section 8-7 Sexually Oriented Businesses and amending the Town of Buckeye Development Code, Article 2, Section 7-2-1, Article 4, Section 7-4-3, and Article 8, Section 7-8-4 and read by title only.

Council Action: Discussion and possible motion

5II. Council to consider and if advisable authorize the purchase of a dispatch console in the amount of \$74,547.91 (\$40,262.97 from Police Department Line Item 10189598 and \$34,284.94 from Department of Justice Asset Forfeiture account.

Council Action: Discussion and possible motion

5JJ. Staff to introduce, discuss, amend, if desired and adopt Resolution 74-04 authorizing the execution and delivery of a loan repayment agreement with Greater Arizona Development Authority, a tax compliance certificate, and a continuing disclosure undertaking; approving portions of an official statement; approving a loan from the Greater Arizona Development Authority in the amount of not to exceed \$10,200,000, declaring and emergency.

Council Action: Discussion and possible motion

5KK. Council to consider and if advisable approve the contract/GMP with Smith Management for the construction of the recreation center and the addition to the library.

Council Action: Discussion and possible motion

5LL. Council to consider and if advisable accept the proposal from Public Sector Personnel Consultants to review current position classification and salary plan for a cost not to exceed \$26,500.

Council Action: Discussion and possible motion

5MM. Council to consider and if advisable adopt a Notice of Intent to increase water and wastewater rates and set January 18, 2004 as the date of the Public Hearing.

Council Action: Discussion and possible motion

6. Town Manager's Report – *The Manager may provide a brief summary of current events, however, there can be discussion on the following matters:*

- *Manager's update on Council related matters.*
- *Update of Legislative issues.*

7. Comments from the Mayor and Council – *Mayor and Council may present a brief summary on current events. The Council may not propose, discuss, deliberate, or take any legal action of information presented. Council may direct inquiries to staff.*

8. Adjournment.

Council Action: Motion to adjourn.

Posted: 12-6-04